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| 10/051,645      | 01/18/2002  | Guy J. Labelle       | 38488.0200          | 8725             |

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| EXAMINER |
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COBANOGLU, DILEK B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3626

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/051,645

Applicant(s)

LABELLE ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

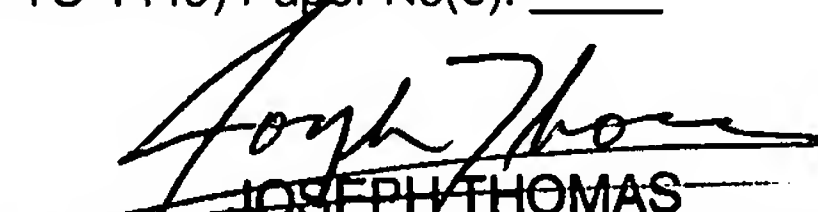
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-40.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The limitation of: "wherein all of the competing insurance companies are required to bind coverage and provide the insurance policies based on the provided insurance rates to the customer if the insurance policy is selected by the customer" requires further search and consideration, since it is a change in the scope of the previously recited claims.

Continuation of 11 does Not place the application in condition for allowance because: Applicant argues that the Shavit reference does not teach an agent or agent website which provides customer desired insurance requests to a host, wherein the host rates from various competing insurance companies, then the host quotes and accepts payments directly from the customer without involvement by the agent or insurance company. Examiner respectfully submits that Shavit teaches an interactive management system with a wide variety of participants including sellers and their agents (Shavit; abstract, col. 5, line 66 to col. 6, line 18). The combination of references of Shavit, Hele, information available at the web sites of InsureMarket, AmexInsurance and Progressive insurance teaches obtaining quotes for insurance policies and accepts payments from the customer (InsureMarket web site, Progressive web site, Amexinsurance web site, Hele; par. 0049, 0052, 0053, 0112 and 0132 and Shavit; col. 10, lines 33-44, col. 8, line 55 to col. 9, line 6, col. 26, lines 50-57 and Fig.15). Applicant also argues that the Progressive and Amexinsurance web sites do not pre-date the filing date of the present application, Examiner respectfully submits that the dates for the references can be found in the footer of the printout, in the format of [http://web.archive.org/web/\(year in yyyy\)\(month in mm\)\(day in dd\)\(time code in hh:mm:ss\)/\(archived URL\)](http://web.archive.org/web/(year in yyyy)(month in mm)(day in dd)(time code in hh:mm:ss)/(archived URL)). As such, the dates ascribed to the InsureMarket website is 1/29/1999, that of Amex Insurance is 3/9/2000, and Progressive Insurance is 10/2/2000. Please see the reference on About the Wayback Machine, namely the FAQ at page 4 of 6.



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#### FREQUENTLY ASKED QUESTIONS

##### About the affidavit

##### About the Wayback Machine

##### About the affidavit

##### Do I really need an affidavit from the Internet Archive?

No. Please consider alternatives to an affidavit from the Internet Archive. Judicial notice and stipulation to a document's authenticity are two typical and straightforward options that might be used instead of an affidavit. Since our resources are limited, we urge you to pursue these alternatives before coming to us with authentication requests.

##### What does your standard affidavit look like?

You can see our [Model Affidavit](#).

##### Can the affidavit be notarized?

Notarizing the affidavit is a strain on the Internet Archive's resources, since there are no notaries nearby. If you would like your affidavit notarized, please add \$100 to payment, and note it in your request.

##### Can I subpoena someone to testify to the authenticity of the URLs in the Wayback Machine?

The Internet Archive would prefer if you didn't, and will most likely fight it. The Internet Archive is a small non-profit, and taking a member of the team for even a few days significantly effects what the Archive is trying to accomplish. Please consider alternatives to subpoenaing someone from the Internet Archive, including using the standard affidavit or judicial notice.

##### My request is urgent! Can the Internet Archive provide the documents and affidavit immediately?

No. Unfortunately, given the number of information requests the Internet Archive receives, it is not feasible for us to provide anyone with expedited responses.

However, we recommend that you provide us with a FedEx account number for sending your documents and affidavit, since this will speed up your wait time significantly (otherwise, we will send your affidavit via regular mail). Please see our [Information Request Policy](#) for more details.

**Can the affidavit be faxed or sent in some kind of electronic form (ex: on CD or as a pdf)?**

The Internet Archive does not have the resources to prepare or deliver your documents in any other than printed form.

**Can the Internet Archive change its standard affidavit to fit my needs?**

The Internet Archive may be willing to change its standard affidavit according to particular needs, on a case by case basis. However, if we agree to make such changes, you will be required to reimburse the Internet Archive for its related attorney fees as we ask our attorneys to review and negotiate any changes to the standard affidavit. If you wish to inquire further about this possibility, please contact us via email at [info@archive.org](mailto:info@archive.org)

**Does the Internet Archive's affidavit mean that the printout was actually the page posted on the Web at the recorded time?**

The Internet Archive's affidavit only affirms that the printed document is a true and correct copy of our records. It remains your burden to convince the finder of fact what pages were up when.

**Can the Internet Archive provide all pages from a specified domain?**

The Internet Archive cannot respond to requests that list one URL and ask for all pages at that domain. You must provide us with an extended URL (i.e., the full URL that appears in the Address field of your browser) for each page you need authenticated. The extended url must come from the Internet Archive's Wayback Machine and not the live web. For example, [www.archive.org](http://www.archive.org) is not an extended url, but <http://web.archive.org/web/20010812000355/www.archive.org/movies/index> is. Please see our [Information Request Policy](#) for more details.

**Does the Internet Archive limit the number of documents I can request at one time?**

The Internet Archive will respond to reasonable requests for documents. If you request a substantial number of documents, the Internet Archive may contact you and ask that you reduce your request, and the turnaround time on your request may be longer than five business days. Please remember that every request puts a strain on the Internet Archive's limited resources and small staff, and therefore request only those documents which you believe are absolutely necessary to your case. In addition, the Internet Archive reserves the right to decline any request it deems to be unreasonable.

**Does the Internet Archive guarantee a turnaround time for**



**responses to requests?**

No. The Internet Archive strives to respond to requests within five business days of receipt of payment, but that timeframe is not guaranteed.

**When I send my payment, how will you know that my payment relates to my request?**

If you are sending a check, please also include a copy of your request in the envelope with your check as well as an email address where we can contact you. If you are sending payment via PayPal, please email [info@archive.org](mailto:info@archive.org) immediately after sending your payment notifying the Internet Archive that you have just sent payment and identifying your request sufficiently for the Internet Archive to understand to which request you are referring.

**Where do I send questions about your Information request policy?**

Questions should be sent via email to [info@archive.org](mailto:info@archive.org).

**I submitted an incorrect request, can I have a refund or a credit?**

No. The Internet Archive does not have the resources to set up an accounting system in this way. Please double-check your requests for duplicate URLs or errors before submitting them. We cannot refund your money or give you a credit.

**Will the Internet Archive take a position in my legal dispute?**

The Internet Archive strives to be a disinterested third party in all disputes involving its collection items. If you are using Wayback Machine documents to make a case in your legal dispute, the Internet Archive will not take an ideological or other position in said dispute.

**I need an affidavit for a case taking place outside of the United States.**

Internet Archive can provide you with authenticated documents and an affidavit in accordance with our U.S. policy with the following adjustments:

- If you cannot provide the archive with an account number to which shipment of the documents can be charged, the archive will charge and additional \$50-\$100 depending on the size of your request.
- Internet Archive will strive to have your documents printed in 5 business days after payment is received, however transit time to you is not guaranteed.
- Internet Archive will accept international wire transfers for international cases only at no expense to the archive; any unexpected wire transfer fees must be paid by you.

Please remember that the Internet Archive's affidavit only affirms that the printed document is a true and correct copy of our records. It remains your burden to convince the finder of fact what pages

were up when. Additionally, the Internet Archive does not automatically notarize affidavits; this is an additional \$100 charge.

### **About the Wayback Machine**

#### **How can I tell when the pages from the Wayback Machine were archived?**

The Internet Archive assigns a URL to each archived page on its site in the format [http://web.archive.org/web/\[Year in yyyy\]\[Month in mm\]\[Day in dd\]\[Time code in hh:mm:ss\]/\[Archived URL\]](http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]). Thus, the Internet Archive URL <http://web.archive.org/web/19970126045828/http://www.archive.org/> would be the URL for the record of the Internet Archive home page (<http://www.archive.org/>) archived on January 26, 1997, at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28). Typically, a printout from a Web browser will show the URL in the footer.

If a website is designed with "frames," the date assigned by the Internet Archive applies to the frameset as a whole, and not the individual pages within each frame.

#### **Are all the pages associated with a site archived on the same date?**

Probably not. Some users get confused about the temporal browsing that the Wayback Machine allows. If a user enters a URL into the Wayback Machine and clicks on a date, that date is only for that page. If a user then clicks on a link on an archived page to continue browsing, the Wayback Machine will grab the closest date to the one originally requested and display it. If the requested page has not been archived, but is still available on the live web, the Wayback Machine will grab the live page and it will be displayed with today's date in the date code.

For example, a user starts on this page:

<http://web.archive.org/web/20000619182857/http://www.archive.org/>

which is the June 19th 2000 version of archive.org

Then the user clicks on the "Internet Archive Colloquium 2000 a Success" link:

<http://web.archive.org/web/20000706194131/www.archive.org/news/index.html>

note that the date for this page is July 6th, 2000

#### **How can I tell what date a particular image was archived?**

The date assigned by the Internet Archive applies to the HTML file but not to image files linked therein. Thus images that appear on the printed page may not have been archived on the same date as the HTML file. If you would like to find out when a particular image was archived right click (control click from Mac users) and select "open Image in new tab [or window]". You can also select "copy image

location", open up a new tab or browser window and paste in the url. Once the image opens look at the url in your browser's address window to determine the date the image was captured. Please note that using Microsoft's Internet Explorer's "properties" option can be misleading as it displays the same date code as the url's HTML file when looking at an image. Its best to open the image in its own window to determine the exact capture date.

**I clicked on an archived link and ended up on the live web.  
What happened?**

The Wayback Machine does its best to allow temporal browsing. If a user enters a URL into the Wayback Machine and clicks on a date, that date is only for that page. If a user then clicks on a link on an archived page to continue browsing, and the link is not available, sometimes the Wayback Machine will redirect to the live web. If we receive a request containing files that are not archived we cannot process them nor return payment. Keep an eye on your address bar to make sure the file you request is an archived file.

**I've surfed to  
<http://web.archive.org/web/20000706194131/www.archive.org/news/index.html>  
how do I find out what dates are available?**

Replace the date code with a \*, and the Wayback Machine will display all dates for that URL:

[http://web.archive.org/web/\\*/www.archive.org/news/index.html](http://web.archive.org/web/*/www.archive.org/news/index.html)

**What do these error messages mean?**

**a. Robots.txt Query Exclusion.**

This means that the site is blocked by the siteowner. The Internet Archive was not contacted and has no record of when the exclusion took effect.

**b. Blocked Site Error.**

This means that the Internet Archive was contacted by the siteowner and asked to remove the site from the Wayback Machine. Pursuant to its document retention policy, the Internet Archive keeps the original request for 1 month.

**c. Failed Connection Error.**

This means that the machine that this URL resides on in the database is down and needs attention from a system administrator. If your request contains pages with a Failed Connection Error, the Internet Archive will need additional time to correct the problem.

**d. Not In Archive.**

This means that this URL is not in the archive, and also no longer available on the live web.

**e. Path Index Error**



A path Index error message refers to a problem in our data base wherein the information requested is not available (generally because of a machine or software issue, however each case is different). We will look into each instance where this error occurs in your request, however the Internet Archive cannot guarantee that all of these errors can be fixed within any given timeline.

**What is a frames site, and how do I go about authenticating archived frames pages?**

General information on frames sites can be found on the web. Typically, frames sites have a side menu bar that doesn't reload when you click on a button, only the content in the middle does. You can also view page source on your browser and check the source html for the words frame or frameset.

Since the time stamp on a frames site refers to the parent frame only, it would be in your best interest to also request authentication of the child pages. The date on these child pages can be found by right clicking anywhere in the child frame and opening it in a new window by itself.

**Can the Internet Archive search for pages on the Wayback Machine using particular keywords or other search terms?**

No. The Wayback Machine is not like a typical search engine in that it cannot search for specific terms or keywords. Therefore, the Internet Archive cannot respond to requests such as: "All records containing the term 'Prelinger Archives'" or "All records related to the Web site www.archive.org." Instead, provide a list of the extended URLs for each page on the Wayback Machine that you want us to authenticate.

**Does the fact that a particular URL is not in the Wayback Machine on a particular date mean the page did not exist on that date?**

The fact that a URL from a particular date is not accessible via the Wayback Machine only means that the page is not archived in the Wayback Machine. It does not mean that the page did or did not exist on that date. The Wayback Machine does not contain copies of every page that ever existed on the Internet.

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Terms of Use (10 Mar 2001)